

MINUTES OF THE HOUSE ENVIRONMENT COMMITTEE

The meeting was called to order by Chairperson Joann Freeborn at 3:30 P.M. on January 10, 2006 in Room 231-N of the Capitol.

All members were present except:

Representative Steven Luckert- excused

Committee staff present:

Raney Gilliland, Legislative Research Department

Lisa Montgomery, Revisor of Statutes Office

Pam Shaffer, Committee Secretary

Conferees appearing before the committee:

Chairperson Freeborn called the meeting to order, she announced that Representative Thull had been replaced on the committee for this year by Representative Luckert. Chairperson Freeborn then announced the agenda for the meeting was for bill requests.

Chairperson Freeborn introduced David Brenn of the Kansas Water Congress Mr. Brenn introduced Mr. Kent Lamb, chair of the Kansas Water Congress Legislative Committee who submitted for introduction the Water Right Transition Assistance Program. (see attachment 1) Representative Johnson moved to introduce this as a committee bill, Representative Flora seconded, motion carried. Chairperson Freeborn made note that this was a rough draft or summary.

Representative Johnson introduced a committee bill to add water to the statute that states theft of services is a misdemeanor. Representative Johnson moved to introduce this bill, Representative Sloan seconded, motion carried. Chairperson Freeborn made note that this was conceptual.

Representative Sloan introduced two bills and a resolution 1)add the Water Assurance District as a member to the Kansas Water Authority. 2) deals with the problem of feral hogs, the bill would move responsibility for control and eradication of feral hogs to the Department of Wildlife and Parks from the Animal Health Department. Representative Sloan also introduced a resolution asking the Army Corp of Engineers to partner with the State to address the siltation issues at major reservoirs. Representative Sloan moved to introduce these bills, Representative Johnson seconded. Motion carried.

Representative Schwartz introduced a conceptual bill to reduce the fuel tax on E85. Representative Schwartz moved to introduce this bill, Representative Light seconded. Motion carried.

Chairperson Freeborn announced the joint committee tomorrow, January 11 at 3:30 in the Old Supreme Court Room, the meeting will be a seminar on water issues. This meeting will replace the Environment Committee meeting for Thursday, January 12, she encouraged all Environment Committee members to attend.

Chairperson Freeborn adjourned the meeting. The next scheduled meeting will be Tuesday, January 17.

**THE KANSAS WATER CONGRESS  
WATER RIGHT TRANSITION ASSISTANCE PROGRAM**

**SUBMITTED FOR INTRODUCTION TO THE**

**HOUSE ENVIRONMENT COMMITTEE  
REPRESENTATIVE JOANN FREEBORN, CHAIRPERSON**

**JANUARY 10, 2006**

**THE KANSAS WATER CONGRESS  
816 SW TYLER  
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Madam Chair, distinguished Committee Members and all interested parties.

Thank you for the opportunity to appear before the committee and introduce The Water Right Transition Assistance Program. (WTAP)

The State Affairs Committee of the Kansas Water Congress conducted a special meeting December 19, 2005. The primary purpose was to consider a report and recommendations from the SAC subcommittee on a Water Right Transition Assistance Program. (WTAP)

The sub-committee was appointed by the State Affairs Committee Chairman Kent Lamb after the February 24, 2005 SAC meeting. That sub-committee is chaired by Tom Bogner and is comprised of representation from GMDs, KFB, KLA, KGFA, KDA and WATERPACK. Additionally, the relevant state agencies i.e. KDWR, KWO, SCC and the Secretary of Agriculture's Office were involved for technical resource and input. The sub-committee met 8 times during 2005. (A more detailed chronology is available upon request)

After due consideration, the State Affairs Committee of The Kansas Water Congress voted to approve the WTAP draft language and submit it into the 2006 Legislative Process.

Primary Water Right Transition Assistance Program Points:

1. The Program is voluntary, incentive based and will be administered by the State Conservation Commission.
2. The Kansas Department of Agriculture, Division of Water Resources and recognized local governing agencies, including G.M.D's, shall cooperate in program implementation. Funding may be received from federal, state or private sources.
3. The Program shall be Administered for the purpose of reducing consumptive use in target or high priority areas of the state as determined by the Groundwater Management Districts and The Chief Engineer, Kansas Division of Water Resources. In areas outside groundwater management districts, the Chief Engineer KDWR will identify priority areas.
4. Water right transition grants will be issued for only **privately** held water rights.
5. Permanent water right retirements are considered for funding as a first priority. If funds are not completely used for permanent retirement grants, then the remaining funds may be used for set side agreements of not less than four years.
6. Upon enrollment of a water right(s) in WTAP, the chief engineer of the KDWR will dismiss and terminate the water right in accordance with the terms of the contract.
7. Contracts accepted under WTAP shall result in a net reduction of consumptive use based on "historic consumptive water use." WTAP contracts will be defined to such terms, conditions and limitations that they can be adequately monitored and enforced.

8. Once a WTAP grant has been provided, the land authorized to be irrigated by the water right(s) shall not be irrigated either permanently or for the period of the agreement, with the exception that enrollment in WTAP shall not prohibit irrigation of the land that, prior to enrollment, was authorized by the water right or water rights if irrigation can be lawfully allowed by another water right.
9. The water right transition assistance program will expire in 5 years.
10. Except in the case of permanent retirement, water right transition grants for water rights to remain unused for the contract period shall constitute due and sufficient cause for nonuse. (**K.S.A. 82a-718**) and **amendments thereto**.
11. The State Conservation Commission shall adopt rules and regulations as necessary for the administration of the program.
12. An appropriate Civil Penalties section will be included in the bill.